

5
ARTICLE APPEARED
ON PAGE A12

THE NEW YORK TIMES
12 March 1980

Carter Got Opinion on C.I.A. Acts

By CHARLES MOHR

Special to The New York Times

WASHINGTON, March 11 — The Department of Justice confirmed today that it advised President Carter in 1977 that he had no legal obligation to give Congressional committees advance notice of covert intelligence operations abroad.

However, some members of Congress believed that subsequently Mr. Carter promised to give them advance notice of such operations.

The Los Angeles Times reported today that a legal opinion written for former Attorney General Griffin B. Bell by the Justice Department's office of legal counsel had "freed" the President and the Central Intelligence Agency from fully complying with a Presidential executive order issued in January 1978 governing the operation of the C.I.A.

However, a spokesman for the Justice Department said today that the legal opinion, issued in October 1977, was actually an interpretation of the so-called Hughes-Ryan Amendment to the Foreign Aid Authorization Act of 1974.

Intelligence System Oversight

The Hughes-Ryan law created the present system by which some members of several Congressional committees oversee the intelligence community.

The amendment stated that no funds could be spent on covert intelligence operations "unless and until" the President finds that it is important to national security and reports on it in a "timely fashion" to designated committees.

The 1977 Justice Department opinion said: "It is clear from the legislative history that reports to Congress need not occur before the operation is conducted. Nevertheless, reports should be made as soon as reasonably possible, whether or not this occurs before the operation is conducted."

Testimony in February by Adm. Stansfield Turner, the Director of Central Intelligence, left unclear whether the designated committees of Congress had in fact been told of all covert operations. It was thus unclear whether Admiral Turner had been complying with the legal opinion's admonition at least to report covert actions after the fact.

Also, in negotiations on the wording of the executive order governing intelligence operations that Mr. Carter issued in early 1978, members of the Congressional intelligence committees felt that a gentleman's agreement had been reached to give the committees prior notice of covert operations. The order said that the President would keep the committees "fully and currently informed" on such acts.

A spokesman for the Senate Intelligence Committee said the committee had asked the Justice Department for the full text of the legal opinion and would also ask Mr. Bell and the present Attorney General, Benjamin R. Civiletti, to testify this month.